

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 1:12CR100-1
(Judge Keeley)

PATRICK FRANKLIN ANDREWS,

Defendant.

ORDER DENYING AS MOOT MOTION TO SUPPRESS
STATEMENTS [DKT. NO. 140], AND REJECTING AS MOOT
REPORT AND RECOMMENDATION [DKT. NO. 222]

Pending before the Court are the motion to suppress statements (dkt. no. 140) filed by the defendant, Patrick Franklin Andrews ("Andrews"), and the report and recommendation ("R&R") (dkt. no. 222) of the Honorable John S. Kaull, United States Magistrate Judge. Based on the parties' representations in Andrews's objections to the R&R (dkt. no. 224) and the government's response to those objections (dkt. no. 250), they have agreed on how the disputed statements will be used at trial.

According to Andrews, the parties have agreed that the government will not use

any statements by Patrick Andrews to law enforcement officers or B.O.P. employees in the government's case in chief. The government reserve[s] the right to attempt to use such statements in rebuttal if appropriate. The defense reserve[s] the right to oppose the use of such statements in rebuttal for any appropriate reason should the government attempt to use such statements in rebuttal.

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(Dkt. No. 224 at 4). "[T]he United States agrees with the defendant's assertion" and contends that their agreement has "mooted the issue." (Dkt. No. 250 at 1, 2). Based on the parties' agreement, the Court **DENIES AS MOOT** Andrews's motion to suppress statements and **REJECTS AS MOOT** the R&R.

It is so **ORDERED**.

The Court directs the Clerk to transmit copies of this Order to counsel of record.

DATED: October 23, 2014.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE